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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,305	09/19/2000	Michiya Handa	ICOR-002	5531

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PATENT DEPARTMENT
SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
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EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 01/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

Examiner

Art Unit

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/19/03
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-37 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Response to Request for Continued Examination(RCE)

1. This action is issued in reply to applicant's Request for Continued Examination(RCE)(Paper # 8) and Amendment B(Paper # 9) filed 11/19/03.
2. Claim 5 was canceled. New claims 36-37 were added. Claims 1,6,10,13,15-19,22, 24,29-34 were amended.
3. Claims 1-4,6-37 are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4,6-37 are rejected under 35 USC 103(a) as unpatentable over Togher(US Pat. No: 6,014,627) in view of May(US Pat. No: 6,317,727) and further in view of Ginsberg(US Pat. No: 5,857,176).
6. As per claims 1-4,6-37 Togher teaches a method of tracking credit limits for a plurality of parties and trades(col 2 lines 15-22).Togher teaches an electronic trading network(Fig 5) which may be implemented globally.Togher teaches trading in foreign currencies(col 6 line 41-col 7 line 25). May teaches credit capability(reserves)(col 12 lines 1-16) as well as credit monitoring

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and risk quotient analysis(col 25 line 5-col 26 line 17) and checking of parties(col 13 lines 37-65).May teaches the residual credit available to each party(bucket)(Fig 28/582/584)(col 1 line 65-col 2 line 5) as well as updating the position information of the party(Fig 28/590) as well as identifying for each party a set of counterparties each party may trade with(Abstract)(Fig 27B)(col 5 line 41-col 6 line 11).May teaches that derivative instruments are traded(col 18 lines 3-27) including options utilizing credit tracking of parties/counterparties.May further teaches parametersthat parties abnd xounterparties can negotiate(Table 1). May further teaches three screening methods(col 23 line 1-col 26 line 17). In May's complex method, the trade is split over multiple maturity bands(col 23 line 65-col 24 line 33). It would have been obvious to one skilled in the art at the time of the invention to combine Togher in view of May to teach part of this. The motivation to combine is to teach a method for credit screening of trading parties prior to trading on an electronic trading system where the credit risks of the trader take into account the different types of derivative instruments as enunciated by May(col 5 lines 31-37).In addition to that taught by May, Ginsberg also teaches coupling of a quantity of securities in maturity bands(Table 1)(col 5 line 24-67).Ginsberg further teaches calculating the term structure of interest rates(col 3 lines 53-57) as well as spanning periods(col 7 lines 31-32). Ginsberg further teaches solving the equations to define the term structure of interest rates spanning a family of fixed income financial instruments(col 7 line 66-col 8 line 2).Ginsberg furthe teaches determination of the net present valuefor all thecomponents of instruments in the baskets and the calculation of the price, yield to maturity and duration(col 9 lines 47-53). It would have been obvious to one skilled in the art at

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the time of the invention to combine Togher in view of May and further in view of Ginsberg to teach the disclosure. The motivation to combine is to teach a system incorporating credit limits for counterparties engaged in the trading of financial instruments which are dynamically adjusted over a trading session as in baskets of securities as enunciated by Ginsberg(col 3 lines 6-25).

Claim Rejections - 35 USC § 112

7. Claims 1-4,6-37 are further rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular the key underlying assumptions in the derivation of the equations is not delineated which would incorporate the actual time-dependent governing differential equations for the dynamical process as well as a generalized closed form analytical solution or else as a convergent series.

Response to Arguments

8 Applicant's arguments with respect to claims 1-4,6-37 have been considered but are moot in view of the necessitated additional new ground(s) of rejection.

Conclusion

9 **THIS ACTION IS MADE NON-FINAL. .**

10. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday

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through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA

January 20, 2004

DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER